

Appl. No. 10/786,861
Amdt. Dated July 11, 2008
Reply to Office Action of May 1, 2008

Attorney Docket No. 89188.0058
Customer No. 26021

REMARKS:

Claims 19-21 and 31-33 are canceled without prejudice. Claims 1-9 are pending in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

PRIORITY:

Applicant acknowledges the Office's statements regarding the priority of the allowed claims without acquiescing thereto.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103:

Claims 19-21 and 31-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Slivka et al. (U.S. Patent No. 6,812,211) in view of Sato (Medical and Biological Engineering and Computing (2003) vol. 41 pp. 365-371). This rejection is moot due to the cancellation of these claims.

Claims 19-21 and 31-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Slivka in view of Desrosiers et al. (U.S. Patent Application Publication No. 2004/0091540). This rejection is moot due to the cancellation of these claims without prejudice.

ALLOWABLE SUBJECT MATTER:

Claims 1-9 are allowed.

Applicant believes the foregoing amendments comply with requirements of form and thus may be admitted under 37 C.F.R. § 1.116(b). Alternatively, if these amendments are deemed to touch the merits, admission is requested under 37 C.F.R. § 1.116(c). In this connection, these amendments were not earlier

Appl. No. 10/786,861
Amdt. Dated July 11, 2008
Reply to Office Action of May 1, 2008

Attorney Docket No. 89188.0058
Customer No. 26021

presented because they are in response to the matters pointed out for the first time in the Final Office Action.

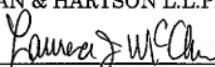
Lastly, admission is requested under 37 C.F.R. § 1.116(b) as presenting rejected claims in better form for consideration on appeal.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (310) 785-4600 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: July 11, 2008
By: 
Lawrence J. McClure
Registration No. 44,228
Attorney for Applicant(s)

1999 Avenue of the Stars, Suite 1400
Los Angeles, California 90067
Phone: 310-785-4600
Fax: 310-785-4601